

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CATHERINE ALEXANDER,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:18-cv-966-MJR-DGW
)	
TAKE-TWO INTERACTIVE SOFTWARE,)	Trial Date: May 13, 2019
INC., et al.,)	
)	
Defendants.)	

SCHEDULING & DISCOVERY ORDER

WILKERSON, Magistrate Judge:

Having reviewed the Joint Report of the Parties and finding that the parties have substantially complied with the requirements of FED. R. CIR. P. 26(f) and SDIL-LR 16.2(a), the Court hereby approves the attached Joint Report of the Parties.

Depositions upon oral examination, interrogatories, requests for documents, and answers and responses thereto shall not be filed unless on order of the Court. Disclosures or discovery under FED. R. CIV. P. 26(a) are to be filed with the Court only to the extent required by the final pretrial order, other Court order, or if a dispute arises over the disclosure or discovery and the matter has been set for briefing.

The parties should note that they may, pursuant to FED. R. CIV. P. 29, modify discovery dates set in the Joint Report by written stipulation, except that they may *not* modify a date if such modification would impact the deadline for the completion of all discovery, the deadline for filing dispositive motions, or the date of any court appearance.

A Settlement Conference is set before Magistrate Judge Donald G. Wilkerson on **April 16, 2019 at 9:00 a.m.** in East St. Louis Federal Courthouse.

The case is set for Jury trial before Chief District Judge Michael J. Reagan on **May 13, 2019** at **9:00 a.m.** in the Federal Courthouse, East St. Louis, Illinois. As initially set by the Court, the Final Pretrial Conference is set for **May 3, 2019** at **1:30 p.m.** before Chief District Judge Reagan.

The parties should note that the following procedures and deadlines apply to Chief Judge Reagan's cases, and are not found in the local rules:

1. Motions in limine must be filed no later than 21 calendar days before the final pretrial conference. Responses to motions in limine must be filed no later than 14 calendar days before the final pretrial conference.
2. Any challenges to a potential witness' testimony brought pursuant to FED. R. EVID. 702 and FED. R. EVID. 703 (i.e., *Daubert* motions) SHALL be due on or before this case's deadline for dispositive motions.

IT IS SO ORDERED.

DATED: August 3, 2018



DONALD G. WILKERSON
United States Magistrate Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CATHERINE ALEXANDER,

Plaintiff,

v.

TAKE-TWO INTERACTIVE SOFTWARE,
INC., et al.

Defendants.

CIVIL NO. 3:18-cv-0966-MJR-DGW

CJRA TRACK: B

PRESUMPTIVE TRIAL MONTH:
May 13, 2019

JUDGE: District Judge Michael J. Reagan
Magistrate Judge Donald G. Wilkerson

**JOINT REPORT OF PARTIES
AND PROPOSED SCHEDULING AND DISCOVERY ORDER**

Pursuant to Federal Rule of Civil Procedure 26(f) and SDIL-LR 16.2(a), an initial conference of the parties was held on June 26, 2018 with attorneys for Plaintiff Catherine Alexander and Defendants Take-Two Interactive Software, Inc., 2K Games, Inc., 2K Sports, Inc., World Wrestling Entertainment, Inc., Visual Concepts Entertainment, Yuke's Co., Ltd. and Yuke's LA Inc. participating.

SCHEDULING AND DISCOVERY PLANS WERE DISCUSSED AND AGREED TO AS FOLLOWS:

1. **Plaintiff's Position:** Plaintiff may serve discovery related to the issue of personal jurisdiction by July 18, 2018. Jurisdictional discovery shall take priority over merits discovery.

Defendants' Position: Plaintiff may serve interrogatories related to the issue of personal jurisdiction by July 18, 2018. Jurisdictional discovery shall take priority over merits discovery.

2. Interrogatories and requests to produce, pursuant to Federal Rules of Civil Procedure 33 and 34 shall be served on opposing parties by **September 15, 2018**.

3. Plaintiff's and Defendants' Depositions shall be taken by **November 1, 2018**.

4. Motions to amend the pleadings, including the commencement of a third party action, shall be filed by **October 10, 2018** (which date shall be no later than **90 days** following the Scheduling and Discovery conference).

5. Expert witnesses shall be disclosed, along with a written report prepared and signed by the witness pursuant to Federal Rule of Civil Procedure 26(a)(2), as follows:

Plaintiff's expert(s): **November 15, 2018.**

Defendants' expert(s): **December 13, 2018.**

6. Depositions of expert witnesses must be taken by:

Plaintiff's expert(s): **December 6, 2018.**

Defendants' expert(s): **January 7, 2019.**

7. The parties **CERTIFY** that they have discussed, in particular, the proportionality of discovery, the burden and expense associated with discovery, and the discovery of electronically stored information (ESI). The parties do not anticipate a need for an ESI protocol.

8. **Discovery** shall be completed by **January 7, 2019** (which date shall be no later than **115 days** before the first day of the month of the presumptive trial month or the first day of the month of the trial setting). Any written interrogatories or request for production served after the date of the Scheduling and Discovery Order shall be served by a date that allows the served parties the full **30 days** as provided by the Federal Rules of Civil Procedure in which to answer or produce by the discovery cut-off date.

9. All **dispositive motions** shall be filed by **January 21, 2019** (which date shall be no later than **100 days** before the first day of the month of the presumptive trial month or the first day of the month of the trial setting). Dispositive motions filed after this date will not be considered by the Court.

10. The parties are reminded that, prior to filing any motions concerning discovery, they must first meet and confer relating to any discovery disputes and then contact the Court to arrange a telephone discovery dispute conference if they are unable to resolve their dispute. If the dispute cannot then be resolved in the first telephonic conference, the Court will establish, with the input of the parties, the mechanism for submitting written positions to the Court on an expedited basis.

DATED: July 16, 2018

/s/ Anthony G. Simon

Anthony G. Simon
Benjamin R. Askew
Anthony R. Friedman
THE SIMON LAW FIRM, P.C.
800 Market Street, Suite 1700
St. Louis, Missouri 63101
(314) 241-2929
Fax: (314) 241-2029
asimon@simonlawpc.com
baskew@simonlawpc.com
afriedman@simonlawpc.com

R. Seth Crompton
THE HOLLAND LAW FIRM
300 North Tucker, Suite 801
St. Louis, Missouri 63101
(314) 241-8111
Fax: (314) 241-5554
scrompton@allfela.com

Counsel for Plaintiff
CATHERINE ALEXANDER

Respectfully submitted,

/s/ Dale M. Cendali (with consent)

Dale M. Cendali
Joshua L. Simmons
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, NY 10022
(212) 446-4800
Fax: (212) 446-4900
dale.cendali@kirkland.com
joshua.simmons@kirkland.com

Michael J. Nester
DONOVAN ROSE NESTER, P.C.
15 North 1st Street, Suite A
Belleville, IL 62220
(618) 212-6500
Fax: (618) 212-6501
mnester@drnpc.com

Counsel for Defendants
TAKE-TWO INTERACTIVE SOFTWARE,
INC., 2K GAMES, INC., 2K SPORTS INC.,
VISUAL CONCEPTS ENTERTAINMENT,
YUKE'S CO., LTD. AND YUKE'S LA, INC.

/s/ Jerry S. McDevitt (with consent)

Jerry S. McDevitt
Curtis B. Krasik
K & L GATES LLP
210 Sixth Avenue
Pittsburgh, Pennsylvania 15222
(412) 355-8608
Fax: (412) 355-6500

jerry.mcdevitt@klgates.com
curtis.krasik@klgates.com

Michael J. Nester
DONOVAN ROSE NESTER, P.C.
15 North 1st Street, Suite A
Belleville, IL 62220
(618) 212-6500
Fax: (618) 212-6501
mnester@drnpc.com

Counsel for Defendant
WORLD WRESTLING ENTERTAINMENT,
INC.